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KARISSA LABRIOLA

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

DEC 18 2012

John A. Clarke, Executive Officer/Clerk
By SHAUNYA WESLEY, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

KARISSA LABRIOLA,

Plaintiff,

vs.

BRIAN LICHTENBERG, LLC., a
limited liability company, and DOES 1
through 10, inclusive,

Defendants.

CASE NO. BC497659

COMPLAINT FOR DAMAGES
ARISING FAILURE TO PAY
REGULAR AND OVERTIME
COMPENSATION; WAITING TIME
PENALTIES; FAILURE TO PROVIDE
MEAL AND REST PERIODS;
FAILURE TO PROVIDE ACCURATE,
ITEMIZED PAY STUBS; AND
VIOLATION OF B&P CODE § 17200

[DEMAND FOR JURY TRIAL]

Plaintiff, KARISSA LABRIOLA, complains of Defendants, and each of them, and
for causes of action alleges as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. At all times mentioned herein, Defendant BRIAN LICHTENBERG, LLC
("Lichtenberg"), was a California limited liability company, qualified and doing business in
the County of Los Angeles, State of California, in the design industry.

2. The true names and capacities, whether individual, corporate, associate, or
otherwise, of Defendants sued herein as DOES 1 through 10, inclusive, are unknown to

1 Plaintiff, who therefore sues such Defendants by such fictitious names. Plaintiff will seek
2 leave to amend this Complaint to show their true names and capacities when they are
3 ascertained. Plaintiff is informed and believes and on that basis alleges that each of the
4 Defendants designated herein as a Doe was, in some manner, responsible for the occurrences
5 and injuries alleged herein.

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7
8 FIRST CAUSE OF ACTION
9 FOR FAILURE TO PAY REGULAR TIME AND OVERTIME COMPENSATION
10 AGAINST LICHTENBERG, AND DOES 1 THROUGH 10, INCLUSIVE

11 3. Plaintiff incorporates by reference into this first, separate, and distinct cause
12 of action, Paragraphs 1 and 2, inclusive, as though set forth in full.

13 4. Plaintiff commenced employment with Lichtenberg on or about June 6, 2011,
14 as a design intern. Plaintiff continued in such employment without interruption until on or
15 about August 26, 2011.

16 5. Pursuant to Industrial Welfare Commission Order 4-2001, for three years
17 preceding the filing of this lawsuit, Defendants were required to compensate Plaintiff for all
18 regular wages and overtime, which is calculated at one and one-half (1 1/2) times the regular
19 rate of pay for hours worked in excess of eight (8) hours per day and/or forty (40) hours per
20 week, and two (2) times the regular rate of pay for hours worked in excess of twelve (12)
21 hours per day.

22 6. Plaintiff was a nonexempt employee entitled to the protections of Industrial
23 Welfare Commission Order No. 4-2001. During the course of Plaintiff's employment,
24 Defendants and each of them, failed to compensate Plaintiff for regular time and overtime
25 hours worked in excess of eight (8) hours per day and/or forty (40) hours per week and
26 double-time hours for hours worked in excess of twelve (12) hours per day, as required by
27 the aforementioned labor regulations.

28 7. As a direct, proximate and foreseeable result of the unlawful conduct of

1 Lichtenberg, and Does 1 through 10, inclusive, as alleged, Plaintiff has been damaged in an
2 amount according to proof at time of trial.

3 8. Defendants' conduct described herein violates Labor Code §§ 510, 558, 1194,
4 and 1198. Therefore, Plaintiff is entitled to recover the unpaid balance of wages owed,
5 penalties, plus interest, and reasonable attorney's fees and costs of suit. Furthermore,
6 pursuant to Labor Code § 1194.2, Plaintiff is entitled to additional liquidated damages in an
7 amount equal to the unpaid regular time wages owed her.

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10 SECOND CAUSE OF ACTION
11 FOR WAITING TIME PENALTIES PURSUANT TO LABOR CODE § 203
12 AGAINST LICHTENBERG, AND DOES 1 THROUGH 10, INCLUSIVE

13 9. Plaintiff incorporates by reference into this second, separate, and distinct cause
14 of action, Paragraphs 1, 2, and 4, inclusive, as though set forth in full.

15 10. Defendants, and each of them, willfully refused and continue to refuse, to pay
16 Plaintiff overtime compensation in a timely manner, as required by Labor Code § 203.
17 Plaintiff therefore requests restitution and penalties as provided by Labor Code § 203.

18
19 THIRD CAUSE OF ACTION
20 FOR FAILURE TO PROVIDE MEAL AND REST PERIODS
21 AGAINST LICHTENBERG, AND DOES 1 THROUGH 10, INCLUSIVE

22 11. Plaintiff incorporates by reference into this third, separate, and distinct cause
23 of action, Paragraphs 1, 2, and 4, inclusive, as though set forth in full.

24 12. Pursuant to Industrial Welfare Commission Orders and Labor Code § 226.7,
25 Defendants were required to provide Plaintiff with meal and rest periods during the period
26 of Plaintiff's employment with Defendants.

27 13. Plaintiff was a nonexempt employee entitled to the protections of Industrial
28 Welfare Commission Order No. 4-2001. During the course of Plaintiff's employment,

1 Defendants and each of them, failed to provide Plaintiff with meal and rest periods, as
2 required by the aforementioned labor regulations.

3 14. As a direct, proximate and foreseeable result of the unlawful conduct of
4 Defendants, as alleged, Plaintiff has been damaged in an amount according to proof at time
5 of trial.

6
7 FOURTH CAUSE OF ACTION
8 FOR FAILURE TO ACCURATE, ITEMIZED PAY STUBS
9 AGAINST LICHTENBERG, AND DOES 1 THROUGH 10, INCLUSIVE
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11 15. Plaintiff incorporates by reference into this fourth, separate, and distinct cause
12 of action, Paragraphs 1, 2, and 4, inclusive, as though set forth in full.

13 16. Labor Code § 226 requires that employers furnish each employee at the time
14 of each payment of wages with a statement indicating gross wages earned, total hours
15 worked, all applicable hourly rates in effect during the pay period, itemized deductions, net
16 wages earned, the inclusive dates of the period for which the employee is being paid, the
17 employee's name and social security number, and the name and address of the legal entity
18 that is the employer. Wage deductions are to be recorded in ink and kept on file by the
19 employer for at least three years.

20 17. At all relevant times herein, Plaintiff is informed and believe and on that basis
21 alleges that Defendants knowingly and intentionally failed to provide accurate itemized
22 statements in the form and manner specified in Labor Code § 226 with regard to the labor
23 performed by Plaintiff.

24 18. As a result of Defendants' violations of the Labor Code, Plaintiff is entitled to
25 recover fifty dollars (\$50.00) for the first violation, and one hundred dollars (\$100.00) for
26 each subsequent violation, not to exceed \$4,000.00, pursuant to Labor Code § 226(e), in an
27 amount to be determined at trial.

28 19. Pursuant to Labor Code § 226(e), Plaintiff is entitled to recover costs as a

1 result of these violations.

2
3 FIFTH CAUSE OF ACTION

4 FOR VIOLATION OF BUSINESS AND PROFESSIONS CODE § 17200

5 AGAINST LICHTENBERG, AND DOES 1 THROUGH 10, INCLUSIVE

6 20. Plaintiff incorporates by reference into this fifth, separate, and distinct cause
7 of action, Paragraphs 1, 2, 4, 5, 6, 10, 12, 13, 16, 17, inclusive, as though set forth in full.

8 21. By violating the foregoing statutes and regulations, the acts of Defendants
9 constitute unfair and unlawful business practices under Business and Professions Code §
10 17200, et seq.

11 22. Defendants' violation of California's wage and hour laws constitute a business
12 practice because it was done repeatedly over a significant period of time and in a systematic
13 manner to the detriment of Plaintiff.

14 23. For the four (4) years preceding the filing of this action, Plaintiff has suffered
15 damages and request damages and/or restitution of all monies and profits to be disgorged
16 from Defendants in an amount according to proof at time of trial.
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19 PRAYER FOR RELIEF

20 WHEREFORE, Plaintiff prays for judgment as follows:

- 21 1. For compensatory damages;
- 22 2. For restitution of all monies due to Plaintiff and disgorgement of profits from
23 the unlawful business practices of Defendants;
- 24 3. For liquidated damages pursuant to Labor Code § 1194.2;
- 25 4. For waiting time penalties pursuant to Labor Code § 203;
- 26 5. For damages and penalties pursuant to Labor Code § 226;
- 27 6. For penalties pursuant to Labor Code §§ 510 and 558;
- 28 7. For interest accrued to date;

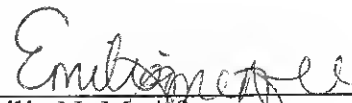
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8. For costs of suit incurred herein;

9. For attorney's fees and costs pursuant to Labor Code §§ 218.5, 1194, 2802, and California Government Code § 12965(b); and

10. For such other and further relief as the Court may deem just and proper.

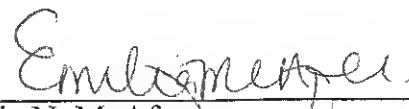
DATED: December 10, 2012 WE Legal, APC

By: 
Emilia N. McAfee
Attorneys for Plaintiff
Karissa Labriola

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of the foregoing causes of action.

DATED: December 10, 2012 WE Legal, APC

By: 
Emilia N. McAfee
Attorneys for Plaintiff
Karissa Labriola